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7

8 UNITED STATES BANKRUPTCY COURT
9 CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION
10

11 In re
12 ILANGO VAN KUPPUSAMY and
RANJANI ILANGO VAN KRISHNAN,
13 Debtors.
14

Case No. 8:14-bk-17399-CB

Chapter 7

TRUSTEE'S OPPOSITION TO DEBTORS'
MOTION TO DISMISS BANKRUPTCY
CASE; DECLARATION OF RICHARD A.
MARSHACK

Date: February 10, 2015
Time: 2:30 P.M.
Ctvm.: 5D

17
18 TO THE HONORABLE CATHERINE E. BAUER UNITED STATES BANKRUPTCY COURT
19 JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE AND ALL INTERESTED
20 PARTIES:

21 RICHARD A. MARSHACK, in his capacity as Chapter 7 Trustee ("Trustee") of the
22 Bankruptcy Estate of Ilangovan Kuppusamy ("Dr. Kuppusamy") and Ranjani Ilangovan Krishnan
23 ("Ms. Krishnan"), files this Opposition ("Opposition") to the Motion to Dismiss the Debtor,
24 ("Motion to Dismiss") filed by Dr. Kuppusamy and Ms. Krishnan (collectively, "Debtors"), on
25 January 27, 2015 [Docket No. 19].

26 **1. Introduction**

27 Chapter 7 bankruptcy cases should only be dismissed when there is no legitimate bankruptcy
28 purpose and where the dismissal will not prejudice creditors. In this case, the Trustee has already

1 filed a complaint to avoid and recover the Debtors' fraudulent transfer of their residence. Upon
2 avoidance and recovery, the Debtors will not be able to claim an exemption in the property pursuant
3 to 11 U.S.C. § 522(g). Furthermore, Debtors failed to appear at the meeting of creditors. As such,
4 Trustee has been unable to examine them under oath regarding possible other undisclosed assets.
5 This Court must decide if creditors will be prejudiced by dismissal of this case.

6 **2. Summary of Relevant Facts**

7 On or about March 27, 2009, Debtors purchased a single family residence commonly known
8 as 5371 Strasbourg Avenue, Irvine, California 92604 (the "Property"). The legal description of the
9 Property is as follows:

10 "LOT 107 OF TRACT 6858, IN THE CITY OF IRVINE, COUNTY
11 OF ORANGE, STATE OF CALIFORNIA, AS PER MAP
12 RECORDED IN BOOK 257, PAGE(S) 35 TO 37 INCLUSIVE OF
MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY
RECORDER OF SAID COUNTY"

13 A.P.N. 451-011-08.

14 On May 27, 2013, Debtors executed a Deed of Trust pledging the Property as collateral to
15 secure repayment of a promissory note payable to Bank of America in the approximate amount of
16 \$386,700. Debtors' Schedule D does not disclose any other liens against the Property. Trustee has
17 confirmed with First American Title that no other liens are recorded against the Property.

18 On November 4, 2014, a civil complaint ("Colorado Complaint") was filed in District Court
19 in Colorado, case no. 1:14-cv-02989-RPM ("Colorado Action"), by Dr. Presley O. Reed and
20 Mrs. Patricia Stacey Reed, DMP Mining, LLC, KMP Mexico, LLC, KMP International, LLC,
21 Trasteel Belgium Societe Anonyme, Belgiron SA, and Trasteel International S.A. (collectively,
22 "Colorado Plaintiffs"), against the Debtors and IRK International S.A. de C. V., alleging conversion,
23 fraudulent misrepresentation, contribution, and breach of contract. *See* Exhibit "1." On November 8,
24 2014, Debtors were personally served with the summons and complaint in the Colorado Action. *See*,
25 Exhibit "2."

26 On November 19, 2014, *eleven days after being served*, Debtors executed and recorded a
27 quitclaim deed transferring the Property for no consideration to their son, Harikrishnan Kuppusamy
28 Krishnan. On November 19, 2014, the quitclaim deed was recorded. *See*, Exhibit "3." Trustee

1 believes that the Property is worth in excess of \$800,000. As such, there was at least \$415,000 in
2 equity in the Property at the time of the transfer.

3 Sometime in or about November or December, 2014, Debtors approached attorney William
4 A. Kent, seeking advice regarding the Colorado Action, and later, advice regarding filing
5 bankruptcy. See Declaration of William Kent, Dk. No. 36, ¶ 6-9 [December 2014]. *Cf.* Question 9 of
6 Statement of Financial Affairs and Declaration re Limited Scope of Appearance [counsel retained
7 and paid \$5,000 on November 19, 2014].

8 On December 26, 2014, Debtors filed a joint voluntary petition under Chapter 7 of Title 11 of
9 the United States Code, commencing the above captioned bankruptcy case. On the same day,
10 Richard A. Marshack was appointed as the Chapter 7 Trustee.

11 The Debtors signed their Chapter 7 Petition, Schedules and Amended Schedules, Statements
12 of Financial Affairs and other documents filed with the Court under penalty of perjury, representing
13 that all information included on these documents was true and correct. All required documents were
14 filed on the petition date.

15 Debtors' Schedules disclose \$62,300 in assets, \$61,238.55 in secured debt, and
16 \$19,591,882.96 in unsecured non-priority claims.

17 In their Schedule A, Debtors acknowledge that they no longer own any real property. In
18 response to Question 10 on the Statement of Financial Affairs ("SOFA"), entitled "Other Transfers,"
19 Debtors disclose their transfer of the Property to their son on November 18, 2014: "Debtor [sic] has
20 transferred property to his son Harikrishnan Kuppusamy Krishnan to alleviate himself from the
21 monthly payments. Harikrishnan Kuppusamy Krishnan has assumed the debtor's [sic] mortgage
22 obligations."

23 On January 4, 2015, at Dk. No. 12, Debtors filed an Amended Schedule F, which lists a total
24 of \$19,678,882.96 in unsecured non-priority claims. Debtors did not mark any of the listed claims as
25 disputed.

26 On Friday, January 23, 2015, Debtors filed a handwritten Notice of Discharge of Counsel,
27 indicating a desire to represent themselves in *pro per*. The same day, attorney Naren Chaganti
28 contacted the Trustee on Debtors' behalf. Mr. Chaganti requested an immediate meeting with

Trustee's counsel. On Monday, January 26, 2015, Mr. Chaganti met with Ed Hays and Ashley Teesdale at the offices of Marshack Hays LLP. Trustee was present for a portion of the meeting.

On January 27, 2015, Trustee filed a complaint to avoid and recover Debtors' transfer of the Property to their son, which case was assigned Adversary Case No. 8:15-ap-01027-CB. Trustee believes that the fair market value of the property is in excess of \$800,000 and that the only lien against the Property secures a loan in the amount of \$386,700. As such, Trustee believes that the adversary proceeding will result in a recovery in excess of \$415,000.

On January 27, 2015, Debtors filed the present Motion to Dismiss, at Dk. No. 19. Debtors failed to set a hearing on the motion and failed to serve notice of the motion.

On January 29, 2015, Debtors filed, in the main bankruptcy case as Dk. No. 22, a motion to dismiss Chapter 7 Trustee's adversary Complaint and discharge Mr. Marshack as Chapter 7 Trustee ("Motion to Dismiss Complaint"). Trustee will separately file opposition to the Motion to Dismiss Complaint.

On February 3, 2015, Debtors failed to appear at their Section 341(a) meeting of creditors. Trustee, Trustee's counsel, and three creditors appeared.

3. Legal Argument

Debtors do not have an absolute right to dismiss a case once it has been filed; a Court may only dismiss a case under chapter 7 "after notice and a hearing and only for cause." 11 U.S.C. § 707(a). Section 707(a) provides a non-exclusive list of grounds for dismissal: 1) unreasonable delay by the debtor that is prejudicial to creditors; 2) nonpayment of required fees or charges; and 3) failure to file schedules and statements. Outside of this list, "cause" under § 707(a) depends on the totality of the circumstances. *In re Kaur*, 510 B.R. 281, 285 (Bankr. E.D. Cal. 2014). "[A] voluntary Chapter 7 debtor is entitled to dismissal of his case so long as such dismissal will cause no 'legal prejudice' to interested parties." *Id.* at 286 (quoting *Leach v. United States (In re Leach)*, 130 B.R. 855, 857 (9th Cir. BAP 1991)); *In re Bartee*, 317 B.R. 362, 366 (9th Cir. BAP 2004).

In re Kaur defines legal prejudice as "prejudice to some legal interest, some legal claim, some legal argument," but notes that "the issue of prejudice may be evaluated using both legal and equitable considerations." *In re Kaur*, 510 B.R. 281, 286 (Bankr. E.D. Cal. 2014) (internal citations

1 and quotation marks omitted) (*citing Westlands Water Dist. v. United States*, 100 F.3d 94, 97 (9th
2 Cir.1996); *Hickman v. Hana (In re Hickman)*, 384 B.R. 832, 840 (9th Cir. BAP 2008)). “Debtors
3 bear the burden to prove dismissal would not prejudice their creditors.” *In re Bartee*, 317 B.R. 362,
4 366 (9th Cir. BAP 2004).

5 **A. Debtors have not established cause to dismiss the case.**

6 Debtors fail to cite any statutory authority in support of their motion to dismiss. None of the
7 three “causes” listed in the statute have been asserted.¹ It appears that Debtors make two assertions
8 as cause to justify dismissal. First, Debtors state that “the petition was filed on December 26, 2014
9 by mistake without full understanding.” Debtors have not proved, by a totality of the circumstances,
10 that they did not intend to file bankruptcy. On the contrary, the Debtors’ petition and schedules and
11 the declarations of William Kent [Dk. No. 36] and Gabriela Kent [Dk. No. 37] and attached
12 documents, contradict the Debtors’ assertion that they did not understand they were filing
13 bankruptcy.

14 Debtors each signed every place where a debtor’s signature is called for on the bankruptcy
15 petition, schedules, statements, and other required forms filed as Dk. No. 1, including but not limited
16 to the following:

- 17 1) Both Debtors signed the bankruptcy petition, where the form affirms that “I declare
18 under penalty of perjury that the information provided in this petition is true and
19 correct . . . I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11,
20 United States Code, understand the relief available under each such chapter, and
21 choose to proceed under chapter 7.” Dk. No. 1.
- 22 2) The Debtors each signed Exhibit D – Individual Debtor’s Statement of Compliance
23 with Credit Counseling Requirement, and checked box number 1, which explicitly
24 references “the filing of my bankruptcy case” and asserts the individual debtor has
25

26 ¹ To the extent that failing to appear at the initial § 341(a) meeting of the creditors constitutes cause
27 to dismiss the case under LBR 1017-2(b), the Trustee contends the Debtors may purposefully have
28 missed the case and asserts that there are assets to be distributed; Trustee thus respectfully requests
the court not dismiss the case.

received credit counseling. Dk. No. 1. The certificates of credit counseling for each Debtor were filed on December 28, 2014, at Dk. Nos. 5 and 6.

3) Debtors both signed the Notice of available Chapters, affirming that the Debtors have received and read the Notice. Dk. No. 1.

4) Each Debtor signed the Declaration concerning Debtor's Schedules, dated December 17, 2014, declaring "under penalty of perjury that [the Debtor] has read the foregoing summary and schedules, . . . and that they are true and correct to the best of my knowledge information and belief." Dk. No. 1.

5) Both Debtors signed the Statement of Financial Affairs, dated December 17, 2014, declaring "under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct." Dk. No. 1.

6) Both Debtors signed their approval of the Declaration re: limited scope of appearance, which stated that William Kent would provide services including preparing and filing the petition and schedules. Dk. No. 1.

7) Both Debtors and William Kent signed the Electronic Filing Declaration, declaring under penalty of perjury that the documents filed are true, correct and complete, and that the attorney is authorized to file the electronic version of the filed document.

In addition to signing under penalty of perjury throughout, Debtors, via email, gave explicit permission for Mr. Kent to file the bankruptcy. See Exhibit A, attached to the Declaration of Gabriela Kent aka Gabriela Prokissova, filed on February 4, 2014 ("Declaration of Ms. Kent") [Docket No. 37]. Finally, it appears that Debtors are not uneducated. In e-mails to Gabriela Kent, Dr. Kuppusamy's e-mail signature lists that he has a Ph.D. and is President and CEO of Nanofold, Inc. See Exhibits A and B, attached to the Declaration of Ms. Kent. These are highly educated people. It would be an abuse of the bankruptcy system to allow dismissal of this case given that the Trustee likely will be able to avoid and recover Debtors' fraudulent transfer and make distributions to creditors.

///

1 Second, Debtors assert that they “feel that they can resolve their financial affairs with
2 creditors without the aid of proceedings under the Bankruptcy Code.” Motion to Dismiss, ¶ 2.
3 Chapter 7 debtor’s ability to repay all creditors outside of bankruptcy is not cause to dismiss a
4 bankruptcy petition. *E.g., In re Turpen* 244 B.R. 431, 435 (8th Cir. BAP 2000) (“It is well
5 established and supported by Legislative History that the fact that a debtor is willing and able to pay
6 his debts outside of bankruptcy does not constitute adequate cause for dismissal under section
7 707(a).”); *see* H.R. Rep. No. 95-595 to accompany H.R. 8200, 95th Cong., 1st Sess. 380 (1977).

8 Even if a debtor’s ability to repay creditors outside of bankruptcy were cause to dismiss a
9 bankruptcy petition, Debtors have not met their burden to prove they actually can repay the nearly
10 \$20 million in of undisputed creditor claims listed in their Schedules. Moreover, their Schedules
11 don’t even reveal their financial ability to retain counsel to defend the Colorado Action. Their
12 unsupported assertion that they “feel they can resolve their financial affairs” does not constitute
13 adequate cause to dismiss their bankruptcy.

14 **B. Dismissal will prejudice Debtors’ creditors.**

15 Debtors have not met their burden to prove that creditors will not be prejudiced by dismissal.
16 Although Debtors state that dismissal is “in the best interests of debtors and their creditors,” they
17 present no evidence to support this bare assertion. On the contrary, dismissal clearly will prejudice
18 creditors.

19 If this case is not dismissed, the Trustee likely will be successful in avoiding and recovering
20 Debtors’ fraudulent transfer of the Property. Upon recovery, the Trustee will be able to sell the
21 Property and Debtors will not be able to claim any exemption in the proceeds. Trustee believes that
22 there is in excess of \$415,000 of equity in the Property. A likelihood of recovering material assets
23 for distribution to the estate would cause prejudice to the creditors by dismissal. *See In re Fink*, 62
24 Collier Bankr. Cas. 2d (MB) 454, 2009 WL 2823734 (Bankr. N.D. Ohio 2009) (denying the debtor's
25 motion to voluntarily dismiss her Chapter 7 case because the trustee determined there was a
26 likelihood of the recovery of material assets to distribute to creditors through a post-petition
27 inheritance).

28 ///

1 If this case is dismissed, there is no evidence that Debtors will cause their son to return the
2 fraudulent transfer so that creditors will be able to seek payment on account of their claims.
3 Moreover, even if the Debtors do regain title to the Property, Section 522(g) will have no application
4 outside of bankruptcy. As such, Debtors may be able to orchestrate an outcome whereby they are
5 able to claim homestead exemptions in the Property to the detriment of existing creditor rights. The
6 difference in distribution to creditors constitutes prejudice to creditors to merit denial of dismissal.
7 *See, e.g., In re Hall* 15 B.R. 913, 914, 917–918 (9th Cir. B.A.P. 1981); *In re Myers* 17 B.R. 410, 412
8 (Bankr. E.D. Cal. 1982).

9 There may be additional assets not yet discovered. Because Debtors failed to appear at the
10 341(a) meeting, Trustee has not been able to complete his duties under 11 U.S.C. §704. Trustee has
11 not been able to question Debtors and thus has not completed his investigation. Based on the
12 information Trustee has been able to gather to date, and without the input of the Debtors to clarify or
13 contradict this belief, Trustee believes it is likely that there are additional assets of the Estate that
14 have been transferred, concealed, or otherwise not disclosed. Debtors' failure to appear and testify in
15 response to questions of the Trustee and creditors belies their assertion that they are acting in good
16 faith.

17 Finally, one of the overriding reasons for granting relief under Chapter 7 of the Bankruptcy
18 Code is to provide for fair and equitable distribution of a debtor's assets among competing creditors.
19 *See, Sherwood Partners, Inc. v. Lycos, Inc.*, 394 F.3d 1198, 1203 (9th Cir. 2005) (*citing, Stellwagen*
20 *v. Clum*, 245 U.S. 605, 38 S.Ct. 215 (1918)); *see, also, In re Forever Green Athletic Fields, Inc.*, 500
21 B.R. 413, 425 (Bankr. E.D. Pa 2013) (indicating that, in the context of a voluntary Chapter 7
22 petition, the purpose is to prevent the collection efforts of certain creditors from gaining an
23 advantage over less diligent creditors). "A trustee has a duty to the estate's creditors to provide
24 impartial administration for their benefit." *In re Gibbons-Grable Co.*, 135 B.R. by 14, 516 (Bankr.
25 N.D. Ohio 1991). It appears that the resources available to individual creditors in this case vary
26 widely. Without the Trustee administering the assets and claims of this Estate to ensure ratable
27 distributions, the proverbial race by creditors to the courthouse will resume.

28 **Any dismissal should be conditioned on Debtors' payment of administrative fees.**

1 If the Court grants the Motion, then dismissal should be conditioned on Debtors' payment of
2 allowed administrative expenses. Bankruptcy courts should condition dismissal on payment of
3 allowed administrative expenses. *See, e.g., In re Hall*, 15 B.R. 913, 915 (9th Cir. BAP 1981); *In re*
4 *Ng* (slip copy), 2011 WL 6133183, at *3 (Bankr. N.D. Cal. 2011); *In re Wolfe*, 12 B.R. 686, 687
5 (Bank. S.D. Ohio 1981).

6 This case has been pending for six weeks. During this time, the Trustee and his professionals
7 have taken all necessary measures to protect creditors, including the filing of the fraudulent transfer
8 action. If the Court is inclined the grant dismissal, Trustee requests that the Court set a briefing
9 schedule and a hearing on final fee applications and condition entry of an order dismissing this case
10 on payment of all allowed administrative claims.

11 **4. Conclusion**

12 For all the foregoing reasons, Trustee respectfully requests that the Court enter an order
13 denying the motion to dismiss with prejudice. Additionally, Trustee respectfully requests that the
14 Court order Debtors to appear at the continued Section 341(a) meeting scheduled for 3:30 p.m. after
15 the hearings on these motions.

16 In the alternative, the Court is requested to set hearings on final fee applications and enter an
17 order conditioning dismissal on payment of allowed administrative claims.

18
19 DATED: February 5, 2015

MARSHACK HAYS LLP

20
21 By: /s/ Ashley M. Teesdale

22 D. EDWARD HAYS
23 ASHLEY M. TEESDALE
24 Attorneys for Chapter 7 Trustee,
25 RICHARD A. MARSHACK
26
27
28

Declaration of Richard A. Marshack

I, RICHARD A. MARSHACK, say and declare as follows:

1. I am the duly appointed Chapter 7 Trustee of the Bankruptcy Estate of Ilangovan Kuppusamy and Ranjani Ilangovan Krishnan. I have personal knowledge of the facts set forth herein, and if called upon to do so, could and would competently testify to those facts.

2. I make this declaration in support of my Opposition to Debtors' motion to dismiss bankruptcy case.

3. From my review of recorded documents, Debtors appear to have purchased their residence on March 27, 2009. The property is a single family residence commonly known as 5371 Strasbourg Avenue, Irvine, California 92604 (the "Property"). The legal description of the Property is as follows:

"LOT 107 OF TRACT 6858, IN THE CITY OF IRVINE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 257, PAGE(S) 35 TO 37 INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY"

A.P.N. 451-011-08.

4. From my review of recorded documents, a deed of trust executed by Debtors was recorded on May 27, 2013 pledging the Property as collateral to secure repayment of a promissory note payable to Bank of America in the approximate amount of \$386,700. Debtors' Schedule D does not disclose any other liens against the Property. Information I have obtained from First American Title does not reflect any other liens recorded against the Property.

5. My office has obtained from PACER the following information. On November 4, 2014, a civil complaint ("Colorado Complaint") was filed in District Court in Colorado, case no. 1:14-cv-02989-RPM ("Colorado Action"), by Dr. Presley O. Reed and Mrs. Patricia Stacey Reed, DMP Mining, LLC, KMP Mexico, LLC, KMP International, LLC, Trasteel Belgium Societe Anonyme, Belgiron SA, and Trasteel International S.A. (collectively, "Colorado Plaintiffs"), against the Debtors and IRK International S.A. de C. V., alleging conversion, fraudulent misrepresentation, contribution, and breach of contract. A true and correct copy of the Complaint is attached as

1 Exhibit "1." A true and correct copy of the proof of service filed in this case reflects Debtors were
2 served with the summons and complaint on November 8, 2014. A true and correct copy of the proof
3 of service is attached as Exhibit "2."

4 6. On November 19, 2014, eleven days after being served, Debtors executed and
5 recorded a quitclaim deed transferring the Property for no consideration to their son, Harikrishnan
6 Kuppusamy Krishnan. On November 19, 2014, the quitclaim deed was recorded. Attached as
7 Exhibit "3" is a true and correct copy of the recorded quitclaim deed.

8 7. Based on my review of property values in the Debtors' neighborhood, I believe that
9 the Property is worth in excess of \$800,000. As such, there was at least \$415,000 in equity in the
10 Property at the time of the transfer.

11 8. In their Schedule A, Debtors acknowledge that they no longer own any real property.
12 In response to Question 10 on the Statement of Financial Affairs ("SOFA"), entitled "Other
13 Transfers," Debtors disclose their transfer of the Property to their son on November 18, 2014:
14 "Debtor [sic] has transferred property to his son Harikrishnan Kuppusamy Krishnan to alleviate
15 himself from the monthly payments. Harikrishnan Kuppusamy Krishnan has assumed the debtor's
16 [sic] mortgage obligations."

17 9. On January 4, 2015, at Dk. No. 12, Debtors filed an Amended Schedule F, which lists
18 a total of \$19,678,882.96 in unsecured non-priority claims. Debtors did not mark any of the listed
19 claims as disputed.

20 10. On Friday, January 23, 2015, Debtors filed a handwritten Notice of Discharge of
21 Counsel, indicating a desire to represent themselves in *pro per*. The same day, attorney Naren
22 Chaganti contacted the me on Debtors' behalf. Mr. Chaganti requested an immediate meeting with
23 my attorneys. On Monday, January 26, 2015, Mr. Chaganti met with Ed Hays and Ashley Teesdale
24 at the offices of Marshack Hays LLP. I was present for a portion of the meeting.

25 11. On January 27, 2015, I filed a complaint to avoid and recover Debtors' transfer of the
26 Property to their son, which case was assigned Adversary Case No. 8:15-ap-01027-CB.

27 ///

28 ///

Exhibit “1”

MJ CIV PP

**U.S. District Court
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:14-cv-02989-KLM**

Reed et al v. Kuppusamy et al
Assigned to: Magistrate Judge Kristen L. Mix
Cause: 28:1332 Diversity-Conversion

Date Filed: 11/04/2014
Jury Demand: None
Nature of Suit: 370 Fraud or Truth-
In-Lending
Jurisdiction: Diversity

Plaintiff

Presley O. Reed

represented by **Peter B. Nagel**
Peter B. Nagel, P.C.
999 Eighteenth Street
#1745
Denver, CO 80202
303-296-4840
Fax: 230-396-6007
Email: pbnagel@rmi.net
ATTORNEY TO BE NOTICED

Plaintiff

Patricia Stacey Reed

represented by **Peter B. Nagel**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

KMP Mining, LLC

represented by **Peter B. Nagel**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

KMP Mexico, LLC

represented by **Peter B. Nagel**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

KMP International, LLC

represented by **Peter B. Nagel**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Trasteel Belgium Societe Anonyme

represented by **Peter B. Nagel**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Belgiron SA

represented by **Peter B. Nagel**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Trasteel International S.A.

represented by **Peter B. Nagel**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Ilangovan Ammal Kuppusamy

Defendant

Ranjani Ilangovan Krishman

Defendant

IRK International S.A. de C.V.

Date Filed	#	Docket Text
11/04/2014	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400,Receipt Number 1082-4123413)Attorney Peter B. Nagel added to party Belgiron SA(pty:pla), Attorney Peter B. Nagel added to party KMP International, LLC(pty:pla), Attorney Peter B. Nagel added to party KMP Mexico, LLC(pty:pla), Attorney Peter B. Nagel added to party KMP Mining, LLC(pty:pla), Attorney Peter B. Nagel added to party Patricia Stacey Reed(pty:pla), Attorney Peter B. Nagel added to party Trasteel Belgium Societe Anonyme(pty:pla), Attorney Peter B. Nagel added to party Trasteel International S.A.(pty:pla), filed by Trasteel Belgium Societe Anonyme, KMP Mining, LLC, Belgiron SA, Patricia Stacey Reed, Trasteel International S.A., KMP Mexico, LLC, KMP International, LLC. (Attachments: # <u>1</u> Summons Kuppusamy, # <u>2</u> Summons Krishman, # <u>3</u> Civil Cover Sheet)(Nagel, Peter) (Entered: 11/04/2014)
11/04/2014	2	Case assigned to Judge Richard P. Matsch and drawn to Magistrate Judge Boyd N. Boland. Text Only Entry (dbera,) (Entered: 11/04/2014)
11/04/2014	<u>3</u>	SUMMONS issued by Clerk. Magistrate Judge Consent form issued pursuant to Local Rule (Attachments: # <u>1</u> Summons, # <u>2</u> Magistrate Judge Consent Form) (dbera,) (Entered: 11/04/2014)

11/04/2014	4	MEMORANDUM RETURNING CASE for reassignment by Senior District Judge Richard P. Matsch. (jsmit) (Entered: 11/04/2014)
11/04/2014	5	CASE REASSIGNED. pursuant to 4 Memorandum Returning Case. This case is reassigned to Magistrate Judge Kristen L. Mix. All future pleadings should be designated as 24-cv-02989-KLM-BNB. (Text Only Entry) (jsmit) (Entered: 11/04/2014)
11/04/2014	6	Magistrate Judge Consent Form issued pursuant to Magistrate Judge Pilot Project to Assign Civil Cases to Full Time Magistrate Judges (jsmit) (Entered: 11/04/2014)
11/06/2014	7	ORDER Setting Scheduling/Planning Conference; Scheduling Conference set for 2/24/2015 10:30 AM in Courtroom C204 before Magistrate Judge Kristen L. Mix, by Magistrate Judge Kristen L. Mix on 11/6/14. (Attachments: # 1 Attachment 1, # 2 Attachment 2) (morti,) (Entered: 11/06/2014)
12/01/2014	8	SUMMONS Returned Executed by All Plaintiffs. Ilangovan Ammal Kuppusamy served on 11/8/2014, answer due 12/1/2014. (Nagel, Peter) (Entered: 12/01/2014)
12/01/2014	9	SUMMONS Returned Executed by All Plaintiffs. Ranjani Ilangovan Krishman served on 11/8/2014, answer due 12/1/2014. (Nagel, Peter) (Entered: 12/01/2014)
12/08/2014	10	MOTION for Entry of Default as to <i>Ilangovan Ammal Kuppusamy and Ranjani Ilangovan Krishman</i> by Plaintiffs Belgiron SA, KMP International, LLC, KMP Mexico, LLC, KMP Mining, LLC, Patricia Stacey Reed, Presley O. Reed, Trasteel Belgium Societe Anonyme, Trasteel International S.A.. (Attachments: # 1 Affidavit of Peter B. Nagel)(Nagel, Peter) (Entered: 12/08/2014)
12/10/2014	11	Clerk's ENTRY OF DEFAULT as to Ranjani Ilangovan Krishman, Ilangovan Ammal Kuppusamy re 10 MOTION for Entry of Default as to Ilangovan Ammal Kuppusamy and Ranjani Ilangovan Krishman, by Clerk. Text Only Entry (morti,) (Entered: 12/10/2014)

PACER Service Center			
Transaction Receipt			
02/05/2015 17:56:44			
PACER Login:	mh4052870:3453976:0	Client Code:	Guthrie
Description:	Docket Report	Search Criteria:	1:14-cv-02989-KLM
Billable Pages:	3	Cost:	0.30

Exhibit “2”

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 14-CV-02989 RPM-BNB
KL

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Ilangovan Kuppusamy Ammal
was received by me on *(date)* 11/04/2014.

☒ I personally served the summons on the individual at *(place)* 5371 Strasbourg Avenue, Irvine, CA 92604
on *(date)* 11/08/2014; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ 0.00 for travel and \$ 75.00 for services, for a total of \$ 75.00.

I declare under penalty of perjury that this information is true.

Date: 11/08/2014



Server's signature

Yvette Hemmens, Process Server for Orange County
Printed name and title

2151 Michelson Drive, Suite 295
Irvine, California 92612

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Colorado

PRESLEY O. REED, et al.

Plaintiff

v.

ILANGO VAN KUPPUSAMY AMMAL et al.

Defendant

Civil Action No. 14-cv-02989 RPM-BNB

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Ilango van Kuppusamy Ammal
5371 Strasbourg Avenue,
Irvine, California 92604

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Peter B. Nagel
Peter B. Nagel, P.C.
999 Eighteenth Street, Suite 1745
Denver, Colorado 80202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 11/04/2014



s/D. Berardi

Signature of Clerk or Deputy Clerk

Case 1:14-cv-02989-KLM Document 8 Filed 12/01/14 USDC Colorado Page 3 of 3

CERTIFICATE OF MAILING

I certify that on this 1st day of December, 2014, I placed a true and correct copy of the foregoing **PROOF OF SERVICE** in the United States mail, postage prepaid, addressed to the following:

Ilangovan Kuppusamy Ammal
5371 Strasbourg Avenue,
Irvine, California 92604

/s/ Peter B. Nagel
Peter B. Nagel

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 14-CV-02989 ~~RPM~~-BNB
KL

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Ranjani Ilangovan Krishnan
was received by me on *(date)* 11/04/2014.

☒ I personally served the summons on the individual at *(place)* 5371 Strasbourg Avenue, Irvine, CA 92604
on *(date)* 11/08/2014; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ 0.00 for travel and \$ 25.00 for services, for a total of \$ 25.00.

I declare under penalty of perjury that this information is true.

Date: 11/08/2014



Server's signature

Yvette Hemmens, Process Server for Orange County
Printed name and title

2151 Michelson Drive, Suite 295
Irvine, California 92612

Server's address

Additional information regarding attempted service, etc:

Case 1:14-cv-02989-RPM Document 3 Filed 12/04/14 USDC Colorado Page 2 of 2

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Colorado

PRESLEY O. REED, et al.

Plaintiff

v.

ILANGO VAN KUPPUSAMY AMMAL et al.

Defendant

Civil Action No. 14-cv-02989 RPM-BNB

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Ranjani Ilango van Krishman
5371 Strasbourg Avenue,
Irvine, California 92604

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Peter B. Nagel
Peter B. Nagel, P.C.
999 Eighteenth Street, Suite 1745
Denver, Colorado 80202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 11/04/2014



s/D. Berardi

Signature of Clerk or Deputy Clerk

Case 1:14-cv-02989-KLM Document 9 Filed 12/01/14 USDC Colorado Page 3 of 3

CERTIFICATE OF MAILING

I certify that on this 1st day of December, 2014, I placed a true and correct copy of the foregoing **PROOF OF SERVICE** in the United States mail, postage prepaid, addressed to the following:

Ranjani Ilangovan Krishman
5371 Strasbourg Avenue,
Irvine, California 92604

/s/ Peter B. Nagel
Peter B. Nagel

Exhibit “3”

RECORDING REQUESTED BY:

Order No.
Escrow No.
Parcel No. 451-011-08

AND WHEN RECORDED MAIL TO:

HARIKRISHNAN KUPPUSAMY
KRISHNAN
5371 STRASBOURG AVE.
IRVINE, CA 92604

Recorded in Official Records, Orange County
Hugh Nguyen, Clerk-Recorder



29.00
* \$ R 0 0 0 7 1 0 7 0 4 5 \$ *
2014000498409 11:54 am 11/19/14
47 414 Q01 F13 1
0.00 0.00 0.00 20.00 0.00 0.00 0.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUITCLAIM DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S) THAT DOCUMENTARY TRANSFER TAX IS \$ None interfamily Transfer and CITY \$

- ☐ Computed on the consideration or value of property conveyed; OR
☐ Computed on the consideration or value less liens or encumbrances remaining at the time of sale.
☐ unincorporated area: ☐ and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Ilangovan Kuppusamy and Ranjani Ilangovan Krishnan, husband and wife as Joint Tenants

hereby REMISE, RELEASE AND QUITCLAIM to

HARIKRISHNAN KUPPUSAMY KRISHNAN, a single man

the real property in the City of Irvine County of Orange, State of California, described as:

Lot 107 of Tract 6858, in the City of Irvine, County of Orange, State of California, as per map recorded in Book 257, Page(s) 35 to 37 inclusive of Miscellaneous Maps in the Office of the County Recorder of said County. Excepting therefrom all oil, gas, minerals and other hydrocarbons lying below a depth of 500 feet, without the right of surface entry, as reserved in deeds of record.

Dated November 18, 2014

Ilangovan Kuppusamy
STATE OF CALIFORNIA

Ranjani Ilangovan Krishnan

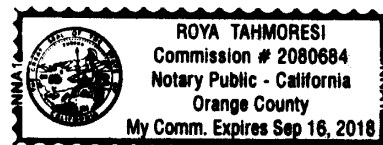
COUNTY OF Orange

} S.S.

On Nov 19, 2014, before me, ROYA TAHMORESI, a Notary Public, personally appeared Ilangovan Kuppusamy and Ranjani Ilangovan Krishnan who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature (Séal)



PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620

A true and correct copy of the foregoing document entitled (*specify*): **TRUSTEE'S OPPOSITION TO DEBTORS' MOTION TO DISMISS BANKRUPTCY CASE; DECLARATION OF RICHARD A. MARSHACK** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **February 5, 2015**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- ATTORNEYS FOR TRUSTEE: D Edward Hays ehays@marshackhays.com, ecfmarshackhays@gmail.com
 - ATTORNEYS FOR DEBTORS: William A Kent WKENT1@COX.NET
 - TRUSTEE: Richard A Marshack (TR) pkraus@marshackhays.com, rmarshack@ecf.epiqsystems.com
 - ATTORNEYS FOR CREDITOR PRESLEY O. REED: Mike D Neue mneue@Intlaw.com, jokeefe@Intlaw.com; nlockwood@Intlaw.com
 - ATTORNEYS FOR TRUSTEE: Ashley M Teesdale ateesdale@marshackhays.com, ecfmarshackhays@gmail.com
 - U.S. TRUSTEE: United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov
- ☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **February 5, 2015**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor

Ilangovan Kuppusamy
5371 Strasbourg Ave.
Irvine, CA 92604

Joint Debtor

Ranjani Ilangovan Krishnan
5371 Strasbourg Ave.
Irvine, CA 92604

Martin Greenbaum

840 Newport Center Drive, Suite 720
Newport Beach, CA 92660

Peter B. Nagel
999 Eighteenth Street, Suite 1745
Denver, CO 80202

William Lobel
840 Newport Center Drive, Suite 750
Newport Beach, CA 92660

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **February 5, 2015**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Via Personal Delivery – February 6, 2015

PRESIDING JUDGE'S COPY

Bankruptcy Judge Catherine E. Bauer
United States Bankruptcy Court - Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5165 / Courtroom 5D
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

February 6, 2015

Chanel Mendoza

/s/ Chanel Mendoza

Date

Printed Name

Signature